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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,782	08/15/2003	Kenneth ASK	07589.0126.PCUS00	1781
28694	7590	05/17/2005	EXAMINER	
NOVAK DRUCE & QUIGG, LLP 1300 EYE STREET NW SUITE 400 EAST WASHINGTON, DC 20005			JOYCE, WILLIAM C	
			ART UNIT	PAPER NUMBER
			3682	

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/604,782	Applicant(s) ASK ET AL.	
	Examiner William C. Joyce	Art Unit 3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2005.  
 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☒ Claim(s) 1-5 is/are allowed.  
 6) ☒ Claim(s) 6-20 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☒ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This Office Action is in response to the amendment filed February 10, 2005 for the above identified patent application.

1. The indicated allowability of claims 9 and 18 are withdrawn in view of the newly discovered reference(s) to Stieler (US Patent 6,047,608). Rejections based on the newly cited reference(s) follow.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 6-7 and 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by English et al. (US Patent 2,607,238).

English discloses a gear wheel, said apparatus comprising: at least two interconnected gear rims relatively rotatable, one to the other, about a common axis of rotation, a biasing mechanism acting between two of said gear rims solely utilizing abutting engagement with said gear rims, the biasing mechanism being operable to reduce backlash in the gear wheel; and the biasing mechanism having a longitudinal axis oriented transversely to the gear rims.

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4. Claims 9-12 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Stieler (US Patent 6,047,608).

Stieler discloses a gear device comprising: at least two interconnected gear rims relatively rotatable one to the other about a common axis of rotation, a biasing mechanism interconnected between two of said gear rims, the biasing mechanism being operable to reduce backlash in the gear wheel, and the biasing mechanism having a longitudinal axis oriented transversely to the gear rims, wherein the biasing mechanism is pivotally interconnected to at least one gear rim by a ball-in-socket arrangement.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over English et al. (US Patent 2,607,238) as applied to claim 6 above, and further in view of Pundt (DE 39 01 076).

English et al. does not disclose a hydraulic biasing mechanism, but teaches a spring biasing mechanism for relatively rotating the gear rims. The prior art to Pundt teaches a hydraulic piston arrangement for biasing a pair of relatively rotatable gear rims. It would have been obvious to one of ordinary skill in the art at the time the

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invention was made to replace the spring biasing mechanism of English et al. with a hydraulic biasing mechanism, as taught by Pundt, motivation being to provide an increase biasing force.

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over English et al. (US Patent 2,607,238) and Pundt (DE 39 01 076) as applied to claim 13 above, and further in view of Smythe (US Patent 2,081,644).

English et al. and Pundt do not disclose the mechanism being connected to an IC engine oil pump, but Smythe teaches the claimed limitation. It would have been obvious to one of ordinary skill in the art to supply pressurized oil to the hydraulic mechanism from an IC engine oil pump, as taught by Smythe, motivation being to minimize the cost of the device when used in combination with an engine.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the ball and socket of Dawley et al. (US Patent 5,794,529).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Joyce whose telephone number is (571) 272-7107. The examiner can normally be reached on Monday - Thursday 7:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on (571) 272-7099. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
William C. Joyce 5/11/05